DB CIVIL SPECIAL APPEAL NO.385/2007
(Hindustan Zinc Limited V/s Industrial Tribunal and anr.)

Date : 13.04.2007

HON'BLE MR. P.B.MAJMUDAR, J.
HON'BLE MR. DINESH MAHESHWARI,J.

Mr.Rajesh Joshi, for the appellant.

This speical appeal has been preferred by the appellant Hindustan Zinc Limited, Rajpura Dariba Mines through its Manager, Human Resource seeking to assail the order dated 19.03.2007 passed by the learned Single Judge of this Court in S.B. Civil Writ Petition No.1380/1995 and S.B.Civil Writ Petition No.727/1996.

The subject matter of writ petition was that an award dated 14.12.1994 was passed by the Labour Cout whereby the Labour Court proceeded to substitute the penalty of discharge by penalty of withholding of two grade increments. The writ petitions were filed respectively by the employer (appellant) and so also by the employee. The learned Single Judge of this Court proceeded to dismiss the writ petition filed by the employee and allowed the writ petition submitted by the employer (appellant) with following order:

> "In result, the writ petition No.727/1996 preferred bythe workman is dismissed. The writ petition No.1380/1995 preferred by the employer is allowed. The award impugned dated 14.12.1994 is modified to the extent it substitutes the penalty of discharge by withholding of two annual grade increments with cumulative effect. The order given by the Labour Court to reinstate the workman in service with 50% back wages and wages for the period of suspension is quashed."

This appeal has been filed by the Employer on certain grounds with the submission that the learned Single Judge has been in error in partly allowing the writ petition. On the matter being taken for motion-admission, learned counsel Mr. Rajesh Joshi appearing for the appellant considered that that impugned order is entirely in favour of the appellant and therefore sought permission to withdraw this appeal.

Having regard to the facts and circumstances of the case, though we consider granting permission to withdraw the appeal, but we are of the considered opinion that the appellant Hindustan Zinc Limited is a Public Limited Company and as we are informed that Union of India is having its stack in it, the procedure adopted by such Company to file such frivilous appeal is questionable. It it not only wastage of time of this Court but even taking up of this litigation amounts to wastage of public money. The officer-in-

charge sanctioning such kind of appeal deserves to be put to terms. Therefore, while we permit withdrawal of the appeal and dismiss the same as withdrawn, but impose cost of Rs.10,000/- to be recovered from the officer-in-charge who has sanctioned filing of this appeal, Unit Head, Hindustan Zinc Limited, Rajpura Dariba Mines, District Rajsamand; to be deposited with State Legal Services Authority within a period of 30 days from today.

(DINESH MAHESHWARI), J. (P.B.MAJMUDAR), J.

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